

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 FREDERIC GREEN,

5 Plaintiff,

6 v.

7 MANUEL PORTILLO and DWIGHT
8 NEVEN,

9 Defendants.
10

Case No. 2:13-cv-00024-APG-NJK

**ORDER DENYING MOTION FOR AN
INJUNCTION FOR BREACH OF
SETTLEMENT AGREEMENT**

(ECF No. 69)

11 Plaintiff Frederic Green moves to enforce the settlement agreement reached in this case.
12 ECF No. 69. A “federal court has jurisdiction to enforce a settlement agreement in a dismissed
13 case when the dismissal order incorporates the settlement terms, or the court has retained
14 jurisdiction over the settlement contract.” *Alvarado v. Table Mountain Rancheria*, 509 F.3d 1008,
15 1017 (9th Cir. 2007). Here, the dismissal order does not incorporate the settlement’s terms. ECF
16 No. 67. The court did not retain jurisdiction over the settlement agreement either at the hearing at
17 which the settlement’s terms were read into the record or in the order of dismissal. ECF No. 65,
18 67. I therefore lack ancillary jurisdiction to resolve Green’s motion to enforce the settlement
19 agreement. Consequently, I deny the motion, without prejudice to Green suing for a breach of
20 contract in another forum.

21 IT IS THEREFORE ORDERED that plaintiff Frederic Green’s motion for an injunction
22 for breach of settlement agreement (**ECF No. 69**) is **DENIED** for lack of jurisdiction.

23 DATED this 21st day of April, 2017.

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25 ANDREW P. GORDON
26 UNITED STATES DISTRICT JUDGE
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